

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ATS TREE SERVICES, LLC,

Plaintiff,

v.

FEDERAL TRADE COMMISSION; LINA M. KHAN, in her official capacity as Chair of the Federal Trade Commission; and REBECCA KELLY SLAUGHTER, ALVARO BEDOYA, ANDREW N. FERGUSON, and MELISSA HOLYOAK, in their official capacities as Commissioners of the FTC,

Defendants.

Case No.: 2:24-cv-1743-KBH

JOINT STATUS REPORT

Pursuant to the Court's Order of June 27, 2024, ECF No. 59, the Parties have conferred and jointly propose the following schedule and page limits to govern further proceedings in this action:

- Plaintiff's motion for summary judgment, not to exceed **45 pages**, due **August 28, 2024**;
- Defendants' cross-motion for summary judgment and response in opposition to Plaintiff's motion for summary judgment, not to exceed **45 pages**, due **September 25, 2024**;
- Plaintiff's reply in support of Plaintiff's motion for summary judgment and response in opposition to Defendants' cross-motion for summary judgment, not to exceed **30 pages**, due **October 11, 2024**; and
- Defendants' reply in support of Defendants' cross-motion for summary judgment, not to exceed **30 pages**, due **October 25, 2024**.

- Absent good cause, no sur-replies shall be filed.

Additionally, the Parties jointly request that the Court waive the requirement to file statements of undisputed material facts alongside the Parties' summary judgment motions, although the Parties reserve the opportunity to contest any facts in the event of a material dispute.¹

The Parties also jointly request that the Court waive Defendants' responsive pleading requirement, which the Court previously suspended pending the Court's entry of an order on Plaintiff's motion for a stay of effective date and preliminary injunction. *See* ECF No. 59.

Separately, Plaintiff requests that the Court rule on the Parties' forthcoming cross-motions for summary judgment by **November 27, 2024**, in light of the indication by the U.S. District Court for the Northern District of Texas that it will issue a final decision in a parallel case by August 30, 2024. Order, *Ryan LLC v. Chamber of Commerce*, No. 3:24-cv-00986 (N.D. Tex. July 11, 2024). Plaintiff believes that the significant impact of the Non-Compete Clause Rule, 89 Fed. Reg. 38,342 (May 7, 2024) warrants an expedited final decision. Defendants take no position on this request.

Dated: August 6, 2024

Respectfully submitted,

s/ Joshua M. Robbins
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¹ Although this case is an action for review on an administrative record, Plaintiff intends to submit evidence outside the administrative record with its summary judgment motion in order to establish Article III standing. *Sierra Club v. EPA*, 292 F.3d 895, 900 (D.C. Cir. 2002).

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed electronically and is available for viewing and downloading from the ECF system.

/s/ Taisa M. Goodnature

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